

REMARKS

In view of the following remarks, reconsideration and allowance of the present application are respectfully requested. Currently, claims 46-69 are pending in the present application, including independent claims 46 and 57. For instance, independent claim 57 is directed to a cleaning device comprising a first hollow member having an open end for the insertion of a first finger, a second hollow member having an open end for the insertion of a second finger, and a connecting portion for connecting the first hollow member to the second hollow member. The first hollow member defines a texturized surface configured to clean the teeth and gums of the user. The texturized surface has projections in the z-direction. At least the first hollow member or the second hollow member contains an elastic nonwoven comprising an elastic component and a non-elastic component.

In the Office Action, claims 46-56 were indicated as being allowable. Also, the subject matter of claim 68 was indicated as being allowable if rewritten in independent form. As shown above, claim 70 has been canceled.

Also in the Office Action, claims 57-59, 61-62 and 67 were rejected as being obvious under 35 U.S.C. § 103(a) in view of U.S. Pat. No. 2,966,961 to Cameron in combination with U.S. Pat. No. 2,041,262 to Ness. Cameron is directed to a tooth cleaning apparatus formed from paper and includes substantially flat, upper and lower layers disposed one above the other. Col. 3, lines 14-16. The paper from which the upper and lower layers are formed may be of a standard commercial type. Col. 4, lines 3-5. The upper and lower layers are sewn together in rows of stitching made from a stretched elastic thread and an inelastic sewing thread. Col. 3, lines 37-38. The Office Action states that Cameron contains an elastic nonwoven comprising an elastic component and a non-elastic component, citing the elastic thread as the elastic component and the paper layers or inelastic thread as the non-elastic component. However, Applicants respectfully submit that Cameron fails to teach or even suggest the use of an elastic nonwoven.

Cameron specifically requires that the upper and lower layers are made from paper webs. Nowhere does Cameron teach or suggest that the paper web can be made with an elastic component. The elastic threads are used to sew the upper and

lower layers together to form the tooth cleaning device. However, this elastic thread is not part of the paper web used to form the upper and lower layers. In contrast, independent claim 57 requires that at least the first hollow member or the second hollow member contains an elastic nonwoven. It is the elastic nonwoven of independent claim 57 that comprises an elastic component and a non-elastic component. Applicants respectfully submit that the elastic thread of Cameron is not incorporated into the paper web, but rather is simply used as a stitching to hold two webs together. As such, the elastic thread is not a component of an elastic nonwoven. Thus, Applicants respectfully submit that Cameron does not teach or suggest all of the limitations of independent claim 57, even if combined with Ness.

Furthermore, the Office Action admits that Cameron fails to disclose a second hollow member and a connecting portion. In order to somehow overcome the deficiencies of Cameron, the Office Action attempts to combine the teachings of Ness. Applicants submit no suggestion, motivation, or incentive exists to support this combination. First of all, Cameron does not disclose or even suggest that the tooth cleaner shown in Figs. 1-3 could be modified to include a second hollow member and a connecting portion. Clearly, the motivation to modify Cameron as attempted by the Office Action is not provided within the disclosure of Cameron.

The Office Action merely states that “it would have been obvious for one of ordinary skill in the art to extend the material of the singular hollow member tooth cleaner of Cameron to further include a second hollow member and a connecting portion ... so that a user can clean their teeth quicker and more efficiently by cleaning two sides of a tooth surface at once.” Office Action, Pg. 3, lines 7-11. However, the Office Action provides no support for this assertion of motivation.

Applicants respectfully submit that the modification of Cameron, as attempted by the Office Action, finds no motivation in either cited reference and is therefore improper.

Also in the Office Action, claims 57-59, 61-66, and 69 were rejected under 35 U.S.C. § 103(a) in view of Adams combined with U.S. Pat. No. 5,362,306 to McCarver, et al. in view of Mader. As pointed out in Applicant’s previous response, neither Adams nor McCarver reference discloses a texturized surface having projections in the z-

direction, as required by independent claim 57. The Office Action cites Mader for providing such a disclosure.

First, Applicants respectfully submit that no motivation or suggestion exists to combine Adams and McCarver, et al. Adams is directed to a pair of cylindrical caps or thimbles adapted to engage snugly over the fingers. According to Adams, “the thimbles are preferably *rigid* and may be formed of metal, plastic or the like.” See Col. 1-2, lines 65-16. Although the thimbles of Adams can be semi-rigid, no motivation exists to combine the elastic nonwoven surface of McCarver, et al. with the structure disclosed by Adams. In fact, Adams actually teaches away from the use of an elastic material, such as an elastic nonwoven, by stating that the thimbles are preferably rigid.

Second, even if Adams and McCarver, et al. are combined, absent any motivation to do so, no motivation or incentive exists to further combine the teachings of Mader. Neither Adams nor McCarver, et al. teach the use of a texturized surface configured to clean the teeth and gums of a user and having projections in the z-direction. In fact, both Adams and McCarver, et al. fail to teach that their devices can be used to clean the teeth and gums of a user. Nevertheless, the Office Action cites Mader as disclosing projections in the z-direction, such as found in Fig. 11. The Office Action states that it would be obvious to modify a first hollow member formed from a combination of Adams and McCarver, et al. to further include projections in a z-direction, such as tooth brush bristles. Office Action, Pg. 5, lines 16-20.

No motivation exists to modify Adams to include a texturized surface configured to clean the teeth and gums of a user and having projections in the z-direction. Adams completely fails to teach or even suggest that their thimbles can be used to clean the teeth and gums of the user. In fact, Adams only discloses that the thimbles provide the frictional engagement between the dental floss, thimbles, and the fingers. Col. 2, lines 24-25. Furthermore, Adams actually teaches away from such a modification by stating that the thimbles are preferably made from a rigid or semi-rigid material. Applicants submit that such a rigid or semi-rigid material would not be suitable for cleaning the teeth and gums of a user.

Furthermore, no motivation exists to modify McCarver, et al. in such a manner. McCarver, et al. discloses a surgical stocking net for covering and encasing a body

extremity, such as an arm or leg, to isolate and protect the extremity during surgery. See, Abstract. One of ordinary skill in the art would not be motivated to combine the teachings of McCarver, et al. with either Adams or Mader. Adams and Mader are both directed to apparatus for controlling dental floss while in the process of flossing one's teeth. On the other hand, McCarver, et al. is directed to a surgical stocking net. Applicants respectfully submit that one of ordinary skill in the art, desiring to modify any device disclosed in Adams or Mader, would not look to the disclosure of McCarver, et al. because it is not directed toward teeth flossing devices.

Applicants also respectfully submit that for at least the reasons indicated above relating to corresponding independent claims, the pending dependent claims patentably define over the references cited. However, Applicants also note that the patentability of the dependent claims certainly does not hinge on the patentability of independent claims. In particular, it is believed that some or all of these claims may possess features that are independently patentable, regardless of the patentability of the independent claims.

In conclusion, Applicants respectfully submit that the presently pending claims are patentably distinct over the cited references, and favorable reconsideration and allowance of all the claims are requested. Examiner Cole is invited and encouraged to contact the undersigned should any issues remain after consideration of the above remarks.

Respectfully submitted,
DORITY & MANNING, P.A.



Alan R. Marshall
Reg. No. 56,405

DORITY & MANNING, P.A.
P.O. Box 1449
Greenville, SC 29602
(864) 271-1592
Fax (864) 233-7342

May 3, 2006
Date